

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
WHEELING DIVISION

FILED

MAY 30 2023

U.S. DISTRICT COURT-WVND
WHEELING, WV 26003

PAUL NICOLETTI,

PETITIONER,

-v-

Case No. 5:23-cv-120

Judge: Bailey

Magistrate: Mazzone

M.J. BAYLESS,

RESPONDENT.

_____/

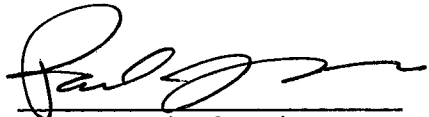
PETITIONER'S MOTION TO ALLOW REPLY BRIEF

NOW COMES the Petitioner, Paul Nicoletti, acting pro se, and states the following as his Motion to Allow Reply Brief.

1. That on April 28, 2023, this court entered its order requiring Respondent to show cause why the Petitioner's Writ should not be granted. (See ECF No.8)
2. That Respondent's Answer is due on May 26, 2023.
3. That in the event Respondent files an Answer on or before May 26, 2023, the Petitioner is hereby requesting the opportunity to file a Reply Brief that will address the arguments and/or defenses relied upon by the Respondent.
4. That Petitioner will suffer prejudice in the event that he is not allowed to file a Reply Brief with regard to the arguments and/or defenses relied upon by the Respondent.
5. That Rule 4(b) of the Rules Governing Proceedings in the U.S. District Courts on application under Section 2255 of Title 28 United States Code, authorizes the court "to take other action the judge may order".

WHEREFORE, Petitioner hereby requests that this court issue an order allowing the Petitioner 28 days from the date Respondent's Answer is filed, to file a Reply Brief addressing the arguments and/or defenses relied upon by Respondent.

Dated: 5/24/23

Signed: 

Paul J. Nicoletti

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Petitioner,

-v-

M.J. BAYLESS.
Respondent, /

Case No. 5:23-cv-120
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CERTIFICATE OF SERVICE

I, Paul Nicoletti, appearing pro se, hereby certify that I have served the foregoing

Motion to allow Reply Brief

upon the defendant/respondent by depositing true copies of the same in the United

States mail, postage prepaid, upon the following counsel of record for the

defendant/respondent on 5/23/23 :


Paul J. Nicoletti